

SENATE BILL No. 247

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-30.

Synopsis: Ignition interlock devices. Provides that a court may prohibit a person convicted of operating while intoxicated from operating a motor vehicle for at least 90 days if the vehicle is not equipped with an ignition interlock device. Makes conforming amendments. Repeals superseded provisions.

Effective: July 1, 2010.

Head

January 11, 2010, read first time and referred to Committee on Judiciary.

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Second Regular Session 116th General Assembly (2010)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2009 Regular and Special Sessions of the General Assembly.

SENATE BILL No. 247

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 9-30-5-7 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2010]: Sec. 7. (a) A person who violates a court
3 order issued under section ~~16~~ **18** of this chapter commits a Class A
4 misdemeanor.

5 (b) Except as provided in subsection (c), a person who knowingly
6 assists another person who is restricted to the use of an ignition
7 interlock device to violate a court order issued under this chapter
8 commits a Class A misdemeanor.

9 (c) Subsection (b) does not apply if the starting of a motor vehicle,
10 or the request to start a motor vehicle, equipped with an ignition
11 interlock device:

12 (1) is done for the purpose of safety or mechanical repair of the
13 device or the vehicle; and

14 (2) the restricted person does not operate the vehicle.

15 (d) A person who, except in an emergency, knowingly rents, leases,
16 or loans a motor vehicle that is not equipped with a functioning ignition
17 interlock device to a person who is restricted under a court order to the



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1 use of a vehicle with an ignition interlock device commits a Class A
2 infraction.

3 (e) A person who is subject to an ignition interlock device
4 restriction and drives another vehicle in an emergency situation must
5 notify the court of the emergency within twenty-four (24) hours.

6 SECTION 2. IC 9-30-5-18 IS ADDED TO THE INDIANA CODE
7 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
8 1, 2010]: **Sec. 18. (a) As used in this section, "impaired driving
9 offense" means an offense described in sections 1 through 5 of this
10 chapter.**

11 **(b) In addition to any sentence imposed on a person for a felony
12 or a misdemeanor, a court may prohibit a person convicted of an
13 impaired driving offense from operating a motor vehicle unless the
14 vehicle is equipped with a functioning certified ignition interlock
15 device under IC 9-30-8. The court may prohibit a person convicted
16 of an impaired driving offense from operating a motor vehicle not
17 equipped with a functioning certified ignition interlock device for
18 at least ninety (90) days.**

19 **(c) The prohibition period described in subsection (b) may
20 begin, if applicable, before a period of incarceration or after a
21 period of incarceration as long as the suspension otherwise
22 complies with the periods established in this section. The
23 prohibition period may extend one (1) year beyond a sentence
24 imposed under IC 35-50-2 or IC 35-50-3. This subsection does not
25 prohibit a court from imposing a separate ignition interlock device
26 requirement as a condition of pretrial release or in accordance
27 with IC 9-30-6-8. However, any period during which the person
28 operated a motor vehicle with an ignition interlock device installed
29 as a condition of pretrial release or under IC 9-30-6-8 does not
30 count against the prohibition period described in subsection (b).**

31 **(d) A person prohibited from operating a motor vehicle without
32 having an ignition interlock device installed shall pay the cost of
33 installation and monitoring unless the court determines that the
34 person is indigent.**

35 SECTION 3. IC 9-30-8-3 IS AMENDED TO READ AS FOLLOWS
36 [EFFECTIVE JULY 1, 2010]: **Sec. 3. The bureau shall adopt rules
37 under IC 4-22-2 to establish standards and specifications for an ignition
38 interlock device. ~~the installation of which the courts may mandate~~
39 ~~under IC 9-30-5-16.~~ The standards and specifications must require at
40 a minimum that the device meets the following requirements:**

- 41 (1) Is accurate.
42 (2) Does not impede the safe operation of a vehicle.

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1 (3) Provides a minimum opportunity to be bypassed.

2 (4) Shows evidence of tampering if tampering is attempted.

3 (5) Has a label affixed warning that a person tampering with or
4 misusing the device is subject to a civil penalty.

5 SECTION 4. IC 9-30-8-5 IS AMENDED TO READ AS FOLLOWS
6 [EFFECTIVE JULY 1, 2010]: Sec. 5. If a court orders a person ~~under~~
7 ~~IC 9-30-5-16~~ to operate only a vehicle that is equipped with an ignition
8 interlock device, the bureau shall include that condition when issuing
9 a license.

10 SECTION 5. THE FOLLOWING ARE REPEALED [EFFECTIVE
11 JULY 1, 2010]: IC 9-30-5-16; IC 9-30-8-1.

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